

Résumé du contenu/English Summary

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RÉSUMÉ DU CONTENU/ENGLISH SUMMARY

Translation : Dorothy Crelinsten

The October crisis of 1970 is far from being properly speaking a criminological phenomenon. It was a social and political manifestation, an individual and collective drama of first magnitude in the history of Canada in general, and Quebec in particular. However, it had criminological consequences that are of major importance. The gravest of crimes (murder, kidnapping, bombing, armed robbery) were committed for ideological reasons. They were not crimes of passion or heinous crimes. Their authors' motives were unselfish ones. It was for political reasons that they became delinquents. The criminal justice system was set in motion, and, subjected to intense pressure, the serious shortcomings of the penal agencies became apparent. They gave evidence of their almost total lack of adaptation to the objectives assigned them by a democratic society. The system, dedicated to the protection of individual liberties, showed its true potential for becoming a threat to those very liberties. The official reaction is conveyed by public opinion. It is the source and prime mover of repression and social prevention. It also regulates the action of the police forces and legal bodies. At the time, it was expressed with elemental force. The role of the media, the polarization of the political elite, the willingness of the representatives of various powers, to fish in troubled waters are all elements of the greatest importance in the scientific study of the socio-political context. An analysis of the latter contributes to the explanation of the criminal phenomenon. This is clearly an exemplary case, showing the interdependence of the various elements of a reality which must be examined if we are to understand it.

The present issue of our review is not overly ambitious in its discussion of the subjects. Its objectives are modest. Ten years or so having passed since these events took place, we considered it useful to give our readers some afterthoughts about this crisis. Our authors have tried to readjust certain views and to correct certain analyses made during the period immediately following these incidents. The time is also opportune : several commissions of inquiry, both federal and provincial, are now trying to straighten out the singularly entangled threads of the complex and contradictory motives for the behaviour of the

actors in this drama. José Rico, recalling the train of events that followed one another during the crisis and in subsequent years, brings to light the damage this crisis has done to the image of criminal justice system. His analysis shows criminologists how very little protection this costly system offers the public — a system created for the sole purpose of safeguarding the liberty of all. If we look upon the performance of our system of justice administration in this case as a test, it must be concluded that it was at least a partial failure. The preventive action of the police was very limited. The F.L.Q. cells, which had for the most part been identified, were not even dismantled and neutralized! The repressive action of the prosecution was erratic, as was that of the court. Never in the history of our country has such a lapse been tolerated in terms of the usual norms guaranteeing the protection of liberties and the presumption of innocence. The panic that gripped the public authorities reflected the almost hysterical anxiety of the public, provoked beyond measure by the protest tactics of the F.L.Q. which were amplified to a great extent by the media, and as more and more of these maneuvers came to light from various witnesses, by the police.

The political powers were quick to try to capitalize on the anticipated effects of the crisis. This willingness to use it for partisan purposes has made the work of the commission of enquiry very difficult, as J.P. Brodeur reveals in his report. On reading his work, we are convinced that the last word is far from having been said on the October crisis. The drama of the situation was emphasized by the intervention of the army when the War Measures Act was invoked. Dramatic as it was, A. Parizeau's article introduces a relativistic approach to this procedure. In effect, the Canadian army has been called upon several times to intervene during various conflicts within the national boundaries. In her opinion, it is the absence of a constabulary, a semi-military, semi-police force, in our country, that uselessly dichotomizes police action from that of the military. It seems certain that the intervention of the army decidedly contributed to dramatizing the situation and exaggerating the extent of the activities.

This dramatization had a number of effects, some of which were dealt with in various texts that should be read, since they are all the more striking for having been written ten years after the

events. The review of the literature by Jacqueline De Plaen stresses the remarkable fact that there are no works written by the Québec intelligentsia on the October crisis other than polemics, apologia or journalistic articles. One may well ask the reasons for this. Several explanations seem plausible. The most probable would be the connection between this crisis and the present political situation in Quebec, where the latter is seeking to confirm its identity through complex negotiations. The stakes are too high for us to be able to approach the October crisis with the required calm. We believe, however, that we have made a modest step in the interpretation of the events. These may seem extraordinary to our contemporaries. They constitute, however, a sudden change in the inexorable course of history.

There is perhaps a final note I would like to add on my own behalf not as director of this review, but as a person, Denis Szabo, concerned with individual rights. Forgive this stretching of our editorial policy. A witness, myself, to a very small fraction of the events, I would like to relate this experience to some thoughts concerning them.

The analyses in this issue show us, even more clearly than was apparent ten years ago, the extent to which the October crisis contributes an important chapter in the history of opposing political and social forces, and which, in a way, make up the history of this country. Since the French Revolution, and particularly since the great liberal constitutions of the XIXth Century, no one can claim a monopoly on the « *salus patriæ* », the legitimacy of power, to further his own ideas. Since the advent of the XIXth Century, the rebel of yesterday has become the sovereign of today. Nothing in a liberal democracy should limit the confrontation of ideas, the criticism of programmes or policies. Only one thing should be proscribed : recourse to violent means, the abuse of power, to fraud or manipulation. In short, we must guarantee the maximum exercise of liberty and responsibility for each individual, whatever the ideas or political concepts involved.

This is a principle very difficult to obey. The grave and often bloody conflicts that set these same democracies ablaze from time to time, are evidence of this. In the history of Quebec and Canada, the people have experienced relatively few upheavals

of this type. Even if various competing political objectives should be unyielding, the defence of values and individual liberty as well as personal responsibility should be safeguarded at all costs. Just as no compromise is acceptable with regard to political ideas, none should exist in the defence of individual liberties. It is comforting to observe that, in spite of the enormous difficulties, this principle is gradually gaining ground. The activities of Amnesty International have joined with those of the Red Cross to have humanitarian principles respected, regardless of the so-called justice of the ideologies in whose name abuses may have been committed. Assistance to the victims of the tragic events in Southeast Asia was given without regard for the political convictions of the persons concerned. The crusade for inalienable human rights mitigates a little the fanaticism that usually imbues the impatient and uncompromising political militant.

An incident that took place during the October crisis illustrates this point. I was personally involved, for I was active in a committee of the Canadian Human Rights Commission. It was set up with the object of visiting persons who had been arrested following the War Measures Act and checking on their prison conditions, family situation, etc. Those who took part in this venture, academics, men of letters, clergymen, artists, did not all agree on the political interpretation of the crisis. What they did agree on was the instantaneous and absolute refusal to recognize the unacceptable attack on individual liberties which no cause could justify. This show of unwillingness to tolerate such invasions of inalienable liberties seems to me absolutely necessary if we want to survive in troubled periods of history where this crusading spirit can be exercised.

Like all intolerance, this one, serving the cause of liberty, offers its adherents but a very narrow path. But it is finding an increasing number of persons willing to adopt it, for they understand more and more that an uncompromising struggle for these civil rights is as necessary as the intolerance which inflames people in the pursuit of their political objectives. Let us hope that this modest reminder will be a value symbol for all those who believe that the cause of man, with a small « h », can never be the subject of bargaining, no matter what the stakes !